

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Huffman et al.	Art Unit :	3692
Serial No. :	09/940,276	Examiner :	Clement B. Graham
Filed :	August 27, 2001	Confirmation No.:	4550
		Notice of Allowance Date:	March 5, 2008
Title :	DIGITAL CONTENT SUBSCRIPTION CONDITIONING SYSTEM		

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Applicant recognizes that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. In the above-referenced application, Applicant does not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. In particular, Applicant does not concede that all of the following limitations are necessary to distinguish the prior art of record or to satisfy the requirements of 35 U.S.C. § 112:

The prior art fails to teach, or suggest, the limitations of:

" receiving, via a user interface, a value for each of a plurality of coefficient drivers, wherein each coefficient driver provides information defining a market value of a creator of digital content, dynamically setting a conditioning coefficient based on the selected coefficient driver values".

Furthermore, the claims may be patentable for other reasons. In addition, the dependent claims are allowable on their own merits, and are allowable on the basis of a sub-combination of the recited features of the dependent claims and their respective base claims.

Finally, the Applicants note the Examiner's extensive characterization of several references in the Notice Of Allowance. However, the absence of a reply to a specific characterization, issue or comment does not signify agreement with or concession of that characterization, issue or comment. In this regard, the Applicants respectfully reserve the right to take positions contrary to these characterizations during the prosecution of any continuing applications.

Applicant : Huffman et al.
Serial No. : 09/940,276
Filed : August 27, 2001
Page : 2 of 2

Attorney's Docket No.: 12587-010001 / 01308-00/US

Please apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date: May 16, 2008

/David E. A. Jordan/

David E. A. Jordan
Reg. No. 50325

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945

40493862.doc